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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,911	02/25/2004	Michael J. Sheehan	SHEEHAN 1	4404

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EXAMINER	
HAILU, KIBROM T	
ART UNIT	PAPER NUMBER
2616	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/786,911	SHEEHAN, MICHAEL J.	
	Examiner	Art Unit	
	Kibrom T. Hailu	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bahl (US 6,782,398 B1).

Regarding claim 1 and 11, Bahl discloses a method and communication network that provides to transfer data between nodes of the communication network, the communication network comprising a first node that includes first code (Abstract), the method comprising the steps of: executing the first code in the first node to establish a communication channel with a second node, replicate the first code to generate second code, and provide the second code to the second node over the communication channel (Figs. 2-8, 10, 13, 15-17; col. 4, lines 59-63; col. 5, lines 3-12, 24-28); executing the second code in the second node to establish the communication channel with a third node, replicate the second code to generate third code, and provide the third code to the third node over the communication channel (col. 4, lines 63-67; col. 5, lines 12-15, 3-12); receiving data in the second node from the first node over the communication channel and executing the second code in the second node to handle the data (col. 5; lines 24-28, 36-38); and receiving the data in the third node from the second node over the communication channel and executing the third code in the third node to handle the data (col. 5, lines 24-28, 36-38, illustrates

each of the devices or computers receives replicated data, and cause the computers to execute the command. Meaning the command is recordable in the computer and executes the data. Otherwise there is not point of replicating and transmitting the command to each of the computers in a hierarchical way. The main point here that the command or message or software is replicating itself, and copy or transmit to al least one of neighboring computer. And obviously, any data can be replicated in the same way and be executed by the command or software).

Regarding claim 2 and 12, Bahl discloses the steps of: executing the second code in the second node to establish the communication channel with a fourth node, replicate the second code to generate fourth code, and provide the fourth code to the fourth node over the communication channel (Figs. 5-7, 10, 13, 15-17; col. 4, lines 63-67; col. 5, lines 15-18); and receiving the data in the fourth node from the second node over the communication channel and executing the fourth code in the fourth node to handle the data (col. 5, lines 24-28, 36-38, illustrates each of the devices or computers receives replicated data, and cause the computers to execute the command. Meaning the command is recordable in the computer and executes the data. Otherwise there is not point of replicating and transmitting the command to each of the computers in a hierarchical way. The main point here that the command or message or software is replicating itself, and copy or transmit to al least one of neighboring computer. And obviously, any data can be replicated in the same way and be executed by the command or software).

Regarding claim 3, 4, 5, 13, 14 and 15, Bahl discloses the step of executing the second code in the second node to handle the data further comprises the step of: executing the second code in the second node to replicate the data received from the first node, and route the replicated data to a payload process in the second node, executing the payload process in the second node

to receive the replicated data and process the replicated data locally on the second node, and executing the payload process in the second node to generate output data (col. 4, lines 63-67; col. 5, lines 12-15; col. 5, lines 24-28, 36-38; col. 1,lines 42-46, explain the execution of the message or the command and/ or the data, and replicate it/them to the at least one of the neighboring computer(s) or device(s). Note that since it is replicated in one computer, outputted from the computer and transmitted on the next computer(s), it is obvious for a person having ordinary skills in the art to realize the presence of a payload process for receiving and outputting the message/comman/data).

Regarding claim 6 and 16, Bahl discloses executing the second code in the second node to multiplex the output data and status information from the second node (col. 4, lines 63-67; col. 5, lines 12-15; col. 5, lines 24-28, 36-38) and forward the output data and the status information over the communication channel to the first node (see Figs. 5-7).

Regarding claim 7 and 17, Bahl discloses receiving control information in the second node from the first node over the communication channel and using the control information in the second node to handle the data (col. 4, lines 63-67; col. 5, lines 12-15; col. 5, lines 24-28, 36-38. Note also that the command can be thought of the control information because it carries replication and execution information or parameters, see col. 6, lines 45-63; col. 8, lines 19-32).

Regarding claim 8 and 18, Bahl discloses routing the data and the control information from the second node to the third node over the communication channel (col. 4, lines 63-67; col. 5, lines 12-15, 3-12).

Regarding claim 9 and 19, Bahl discloses the first code comprises a streaming worm (col. 1, lines 42-43; col. 4, lines 40-44, illustrate each of the computers receives replicating

command or message. The word "worm" or "sworm" is well known for explaining a virus code that replicates itself from computer to computer. Similarly, the command or message replicates itself from device to device, thus the replicating command is as the worm).

Regarding claim 10 and 20, Bahl discloses the second node is remote from the first node and the third node is remote from the second node (col. 3, lines 28-30, 54-60).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kibrom T. Hailu whose telephone number is (571)270-1209. The examiner can normally be reached on Monday-Thursday 8:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kibrom T. Hailu
KTH
06/20/07

RICKY Q. NGO
SUPERVISORY PATENT EXAMINER